

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. AL2006-407

JODY MARIE CRANE,
a.k.a. JODY MARIE WALLS,
a.k.a. KATHLEEN DRAFTON,
a.k.a. MARIE DRAFTON,
a.k.a. DIANE RENE GATOWSKY
1108 N. Lincoln Street
Redlands, California 92374

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on initial date of licensure.

It is so ORDERED July 17, 2008.


FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

EDMUND G. BROWN JR., Attorney General
of the State of California
ALFREDO TERRAZAS
Senior Assistant Attorney General
JANICE K. LACHMAN, State Bar No. 186131
Supervising Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 445-7384
Facsimile: (916) 327-8643

Attorneys for Complainant

**BEFORE THE
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DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

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1108 N. Lincoln Street
Redlands, California 92374

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Heather Martin ("Complainant") is the Executive Officer of the California
Board of Occupational Therapy. She brought this action solely in her official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Janice K. Lachman, Supervising Deputy Attorney General.

2. Respondent Jody Marie Crane, also known as Jody Marie Walls,
Kathleen Drafton, Marie Drafton, and Diane Rene Gatowsky ("Respondent"), is representing
herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about May 29, 2007, Respondent filed an application dated May 22, 2007, with the California Board of Occupational Therapy to obtain an occupational therapist license.

JURISDICTION

4. Statement of Issues No. AL2006-407 was filed before the California Board of Occupational Therapy ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on May 27, 2008. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. AL2006-407 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. AL2006-407. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. AL2006-407.

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9. Respondent agrees that her occupational therapist license is subject to denial and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the application of Respondent Jody Marie Crane, also known as Jody Marie Walls, Kathleen Drafton, Marie Drafton, and Diane Rene Gatowsky, for licensure as an occupational therapist is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, an occupational therapist license shall be issued to Respondent. Said license and permit shall automatically be revoked, the order of

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1 revocation stayed, and Respondent placed on probation for a period of four (4) years on the
2 following terms and conditions:

3 1. **Early Termination of Probation.** Respondent waives her right to
4 petition for early termination and modification of probation.

5 2. **Obey All Laws.** Respondent shall obey all federal, state, and local laws
6 and regulations governing the practice of occupational therapy in California. Respondent shall
7 submit, in writing, a full detailed account of any and all violations of the law to the Board within
8 five (5) days of occurrence.

9 3. **Compliance with Probation and Quarterly Reporting.** Respondent
10 shall fully comply with the terms and conditions of probation established by the Board and shall
11 cooperate with representatives of the Board in its monitoring and investigation of Respondent's
12 compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall
13 submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained
14 from the Board.

15 4. **Personal Appearances.** Upon reasonable notice by the Board,
16 Respondent shall report to and make personal appearances at times and locations as the Board
17 may direct.

18 5. **Notification of Address and Telephone Number Change(s).**
19 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
20 mailing address, of her new address and any change in work and/or home telephone numbers.

21 6. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**
22 In the event Respondent should leave California to reside or to practice outside the State for more
23 than thirty (30) days, Respondent shall notify the Board or its designee in writing within ten (10)
24 days of the dates of departure and return. All provisions of probation other than the quarterly
25 report requirements, examination requirements, and education requirements, shall be held in
26 abeyance until Respondent resumes practice in California. All provisions of probation shall
27 recommence on the effective date of resumption of practice in California.

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1 7. **Notification to Employer(s).** When currently employed or applying for
2 employment in any capacity in any health care profession, Respondent shall notify her employer
3 of the probationary status of Respondent's license. This notification to the current employer
4 shall occur no later than the effective date of the Decision. Respondent shall notify any
5 prospective health care employer of her probationary status with the Board prior to accepting
6 such employment. This notification shall be made by providing the employer or prospective
7 employer with a copy of the Board's Accusation and Stipulated Settlement and Disciplinary
8 Decision and Order.

9 Respondent shall cause each health care employer to submit quarterly reports to
10 the Board. The reports shall be on a form provided by the Board, shall include a performance
11 evaluation and such other information as may be required by the Board.

12 Respondent shall notify the Board, in writing, within five (5) days of any change
13 in employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
14 terminated from any occupational therapy or health care related employment with a full
15 explanation of the circumstances surrounding the termination.

16 8. **Employment Requirements and Limitations.** During probation,
17 Respondent shall work in her licensed capacity in the State of California. This practice shall
18 consist of no less than (6) continuous months and of no less than twenty (20) hours per week.

19 While on probation, Respondent shall not work for a registry or in any private
20 duty position, except as approved, in writing, by the Board. Respondent shall work only on a
21 regularly assigned, identified, and pre-determined work site(s) and shall not work in a float
22 capacity except as approved, in writing, by the Board.

23 9. **Supervision Requirements.** Respondent shall obtain prior approval from
24 the Board, before commencing any employment, regarding the level of supervision provided to
25 the respondent while employed as an occupational therapist or occupational therapy assistant.

26 Respondent shall not function as a supervisor during the period of probation
27 except as approved, in writing, by the Board.

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1 10. **Continuing Education Requirements.** Respondent shall complete
2 continuing education course work in the area of laws and ethics. Such continuing education shall
3 be completed by or within the first year of Respondent's probation.

4 The continuing education course work shall be in addition to the professional
5 development activities required for license renewal. Respondent shall complete the required
6 continuing education course work, as follows: one course in ethics for twelve (12) hours of
7 credit. Within thirty (30) days of the Board's written notification of the assigned course work,
8 Respondent shall submit a written plan to comply with this requirement. The Board shall
9 approve such plan prior to enrollment in the course of study.

10 Failure to satisfactorily complete the required continuing education as scheduled
11 shall constitute a violation of probation. Respondent is responsible for all costs of such
12 continuing education. Upon successful completion of the course, Respondent shall send the
13 original certificate she receives for successful completion of the course work to the Board within
14 thirty (30) days of completion of each course. Respondent shall send the original certificate to
15 the Board by certified mail, return receipt requested.

16 11. **Maintenance of Valid License.** Respondent shall, at all times while on
17 probation, maintain an active current license with the Board, including any period during which
18 license is suspended or probation is tolled.

19 12. **Violation of Probation.** If Respondent violates probation in any respect,
20 the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and
21 carry out the disciplinary order which was stayed. If an accusation or a petition to revoke
22 probation is filed against Respondent during probation, the Board shall have continuing
23 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
24 is final.

25 13. **Completion of Probation.** Upon successful completion of probation,
26 Respondent's license will be fully restored.

27 14. **Chemical Dependency Support/Recovery Groups.** Within five (5) days
28 of the effective date of the Decision, Respondent shall begin attendance at a chemical

1 dependency support group (e.g., Alcoholics Anonymous, Narcotics Anonymous). Verified
2 documentation of attendance shall be submitted by Respondent with each quarterly report.
3 Respondent shall continue attendance in such a group for the duration of probation.

4 15. **Abstain From Controlled Substances.** Respondent shall completely
5 abstain from the personal use or possession of controlled substances, as defined in the California
6 Uniform Controlled Substances Act, and dangerous drugs as defined in section 4021 and 4022 of
7 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner
8 for a bona fide illness.

9 16. **Abstain From Use of Alcohol.** Respondent shall completely abstain from
10 the use of alcoholic beverages during the period of probation.

11 17. **Submit Biological Fluid Samples.** Respondent shall immediately submit
12 to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There
13 will be no confidentiality in the test results; positive test results will be immediately reported to
14 the Board and the respondent's current employer.

15 **ACCEPTANCE**

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I
17 understand the stipulation and the effect it will have on my occupational therapist license and
18 occupational therapist interim permit. I enter into this Stipulated Settlement and Disciplinary
19 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
20 of the California Board of Occupational Therapy.

21 DATED: 05/30/08.

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23 Jody M. Crane
24 JODY MARIE CRANE,
25 Respondent

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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the California Board of Occupational Therapy of the Department
4 of Consumer Affairs.

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6 DATED: 6/10/08

7 EDMUND G. BROWN JR., Attorney General
8 of the State of California

9 ALFREDO TERRAZAS
10 Senior Assistant Attorney General

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12 JANICE K. LACHMAN
13 Supervising Deputy Attorney General

14 Attorneys for Complainant
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